GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector and District Magistrate, YSR District, Kadapa in respect of Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa – Confirmed Orders – Issued.

GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.Rt.No.502 Dated:18.03.2021.
Read the following:-

1. From the Collector and District Magistrate, YSR District, Kadapa, Proceedings Rc.No. CI/08/M/2021, Dated:28.01.2021.
2. G.O.Rt.No.192, G.A.(SC.I) Dept., dated 05.02.2021.
3. Letter No. 1335737/GAD01-LOOACTS (PDAA)/1/2021-SC.I/A3-2, Dated:19.02.2021.
4. Govt.Memo No: 1335737/GAD01-LOOACTS (PDAA)/1/2021-SC.I/A3-3, Dated:25.02.2021.
5. From the Advisory Board Report Dated: 04.03.2021.

*****

ORDER:

WHEREAS, the Collector and District Magistrate, YSR District, Kadapa has made an order of detention, vide reference first read above under Section-3(2) r/w Section 2(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa who is habituated to wilful destruction of Government owned pristine Red Sander Forests committing or abetting the offences of assault or attempt to do away with the lives of Police and Forest Officials, while the officials were discharging their legitimate duties of curtailing the illegal felling, theft and clandestine smuggling of the Red Sander logs from the forest and illegally transporting to other states to gain illegal money thus, he is acting as prejudicial to the maintenance of the Public order. He has been indulging repeatedly in illicit cutting, dressing them into logs, illegal theft, storing, transportation and smuggling of Red Sanders heartwood causing wilful destruction of red Sanders and immense damage to the public property, in addition to the assault against officials and attempt to murder of officials or abetment of the said offences and this activities are prejudicial to the maintenance of public order.

2. AND WHEREAS, the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

(Contd..2)

3. AND WHEREAS, under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri Neelam Sanjiva Reddy (Retired), Chairman and one Member of the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. But due to the Covid-19 pandemic situation and due to lockdown conditions in the Central and States, the case was reviewed by the Advisory Board on 04.03.2021 through video conference. After having heard the detenue and the Investigating Officer who have been attended the Video Conference and also upon perusing the grounds of detention and the connected records, the Advisory board has reported unanimously that in its opinion, "there is sufficient cause for the detention of the detenue, Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa".

4. AND WHEREAS, the Government on careful examination of the entire record and the opinion of the Advisory Board, has observed that the detenue, Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa, is found to be involved in as many as in Ten (10) cases mentioned in the grounds of detention. All the instances mentioned above clearly establish that he is a habitual offender and his activities are habitual in nature and prejudicial to the maintenance of public order, which are registered under various provisions of Sections 147,148, 379 (Theft of National Property), 353, 120(B) , 109 r/w 149 IPC, Sec.20(1)(C) (ii)(iii)(iv)(vi)(x), Sec.20(d) (i) (a) (b), 2 (a)(b), Sec. 29(2) (b) (4) (a) (i) (ii) (b) of AP Forest Amendment Act, 2016 (AP Act N0.15 of 2016), Sec.32(a), 44(ii)of A.P.Forest Act, 1967, Rule 3 of AP Sandal Wood and Red Sanders Wood Transit Rules, 1969, Sec.3 of PDPP Act, 1984. The details shows that he is a habitual offender. He is a criminal indulging in violent and unlawful activities, having no respect towards Law and Justice and continued his criminal activities and there will be no change in his attitude even though number of cases registered against him no change. The said offences are punishable under Chapter XVI Chapter XVII or Chapter XXII of IPC. As such the activities of the individual falls under and within the meaning of "Goonda" as defined under section 2(g) of Act 1 of 1986. The detaining authority having taken into account and consideration of indulgence of the detenue in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenue by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the detenue. As such, the detenue deserves the maximum period of detention, as provided under Section 13 of the Act;

(contd….3)

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector and District Magistrate, YSR District, Kadapa in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 30.01.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To

Sri Podamekala Venkatapathi, S/o P.Musalaiah, Aged 41 years, R/o New Timmarajupalli, H/o Nallatimmayapalli village, Nandalur Mandal, YSR District, Kadapa through the Superintendent of Jails, Central Prison, Kadapa, YSR District .

The Superintendent of Jails, Central Prison, Kadapa, YSR District.(He should serve the order on the detenue immediately under proper acknowledgement and arrange to read over and explain the contents of the same in the language known to him and report compliance to Government forthwith).

The Collector and District Magistrate, YSR District, Kadapa.

The Superintendent of Police, Kadapa.

Copy to:

The Director General of Police, A.P., Mangalagiri, Guntur District.

The Director General of Prisons and Correctional Services, A.P., Vijayawada.

The Addl.Director General of Police, Intelligence, A.P., Vijayawada.

The Special Government Pleader, Attached to Learned Advocate General, A.P. High Court, High Court Buildings, A.P., Amaravathi.

SC/SF.

//FORWARDED::BY ORDER//

Section Officer (SC)